

Statement opposing HR 6156, the Russia and Moldova Jackson-Vanik Repeal and Sergei Magnitsky Rule of Law Accountability Act of 2012

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Mr. Speaker I rise to strongly oppose this legislation. Unfortunately, Congress has ruined an opportunity to overturn an anachronistic impediment to free trade with Russia by attaching to it an interventionist and provocative "human rights" bill that will worsen US/Russia relations.

With Russia's recent accession to the World Trade Organization (WTO) Congress is obligated to repeal the "Jackson-Vanik Amendment," a 1974 era piece of legislation that sought to condition normal trade relations with the Soviet Union (which no longer exists) upon liberalization of emigration rules for Soviet Jews. WTO members are obliged to eliminate trade barriers with other members. So the repeal and extension of normal trade relations simply should have been a formality. Unfortunately Congress instead took this as an opportunity to meddle in the internal affairs of Russia, which will worsen US/Russian relations and have a negative economic impact on the United States.

By attaching the so-called "Magnitsky" bill to the Jackson-Vanik repeal, Congress will direct the State Department to draw up a list of Russians it believes are responsible for human rights abuses. These people will be denied entry into the United States and have their assets seized by the US government. The implications of this reckless move are stunning.

What is even more dangerous is that the bill directs the US government to also consider "evidence" provided by international non-governmental organizations when it determines who should be sanctioned by the US government. Non-governmental organizations are not legal tribunals, and in fact many are politically-motivated pressure groups. Many are funded by governments or political parties and in exchange do their bidding. This ironically reminds one of the "people's tribunals" set up under the Soviet system, where evidence was considered irrelevant.

These sanctions in this bill against individuals are the economic equivalent of President Obama's "kill list." Individuals will be placed on this list under dubious and ill-defined criteria, without due process or sound evidentiary requirements.

If this bill becomes law, we should expect a response from Russia and perhaps other of our trading partners-- particularly as many of our colleagues have suggested that the Magnitsky bill should serve as a model for our relations with the rest of the world. We might imagine the Russians or the Chinese passing similar legislation, banning Americans from entry and seizing the assets of Americans allegedly involved in "human rights violations." What if they considered the US bombing of Libya, which resulted in the death of thousands of civilians from NATO bombs, such a violation?

If Congress really is concerned about the human rights of prisoners, perhaps they might take a look at the terrible treatment of US Army Private Bradley Manning while incarcerated and awaiting trial. Last year Amnesty International wrote to then-Defense Secretary Robert Gates that Manning's "inhumane" treatment while in custody "undermines the United States' commitment to the principle of the presumption of innocence." Congress remains silent.

In reality, this bill is about politics more than human rights. Listening to the debate it is obvious that many supporters of this legislation simply do not like the democratic choices that the Russian people made in recent elections. Therefore they do what they can to undermine the Russian government and encourage "regime change." Again, how would we react?

I encourage my colleagues to join me in opposing this legislation in its current form and to push for a bill that simply extends normal trade relations with Russia without meddling or provoking. When it comes to human rights, the United States should most definitely lead the world by its own example. On that measure, we still have a lot of work to do.